

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

GRANT BOYD,)	
Plaintiff,)	
)	
v.)	Civil Action
)	No. 05-10873-RWZ
MIKE AUSTIN,)	
Plymouth County Sheriff's Department, et al.,)	
Defendants.)	

PLYMOUTH COUNTY DEFENDANTS' OPPOSITION
TO PLAINTIFF'S MOTION FOR INJUNCTION

Plaintiff's Motion seeks injunctive relief that would prevent the United States Marshal's Service ("USMS") or its third party contractors from opening his legal mail outside of his presence. He suggests that the USMS or its contractors have been opening his mail but makes no allegations against Plymouth County Correctional Facility (PCCF), a third party contractor of USMS, or any PCCF officials. Based on the fact that Plaintiff has failed to set forth any facts to support his claim or any facts that implicate PCCF or PCCF officials in his claim and for the reasons stated in their Motion to Dismiss¹ this action, the Plymouth County Defendants oppose plaintiff's motion for injunction.

FACTUAL BACKGROUND

Plaintiff alleges the Department of Correction (DOC) violated Constitutional requirements regarding his legal mail while he was in USMS custody and housed at the

¹ The Plymouth County Defendants incorporate the Memorandum in Support of their Motion to Dismiss as if fully set forth herein.

Massachusetts Correctional Institution Cedar Junction (“Cedar Junction”). Plaintiff’s motion makes no reference to PCCF or any PCCF officials, yet he seeks an injunction that would prohibit USMS’s third party contractors, which would include PCCF, from opening his legal mail out of his presence, from interfering with or hindering any lawful communications with his lawyers, the courts or any governmental officer or agency unless authorized by the Court.

Nothing in plaintiff’s pleadings indicate that PCCF has had anything to do with plaintiff’s legal mail.

CONCLUSION

The plaintiff states no facts which support a claim that will succeed on its merits. His motion for an injunction should be denied.

Respectfully submitted,
Plymouth County Defendants
By their Attorney:

/s/ Isabel Eonas

Isabel Eonas, Deputy General Counsel
Plymouth County Sheriff’s Department
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B.B.O. #639870

Date: September 6, 2005

CERTIFICATE OF SERVICE

I certify that service of the above has been made by first-class mail September 6, 2005 upon:

Grant Boyd, pro se,

MCI-Walpole-Block 4, P. O. Box 100, S. Walpole, MA 02071.

Eugenia M. Carris, Asst. U.S. Attorney

Office of the U.S. Attorney

John Joseph Moakley U.S. Courthouse

1 Courthouse Way, Suite 9200

Boston, MA 02210

Commonwealth of Massachusetts, Department of Correction Headquarters,
50 Maple Street, Suite 3, Milford, MA 01757.

/s/ Isabel Eonas

Isabel Eonas